

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMAL DAMON HENDRIX,

Plaintiff,

v.
STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:15-cv-00460-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 22) ("R&R" or "Recommendation") relating to Plaintiff's Stipulation and Order for Dismissal with Prejudice (ECF No. 19), which the Court construed as a motion to dismiss because Plaintiff represented he was seeking dismissal to avoid retaliation. Defendants filed a Non-Opposition of Voluntary Dismissal. (ECF No. 20.) The Magistrate Judge held a status conference on August 24, 2016, where he inquired of Plaintiff as to his retaliation allegations. (ECF No. 22.) The Magistrate Judge concluded that Plaintiff failed to offer any allegations to support his retaliation claim and that Plaintiff wished to dismiss this case. Accordingly, the Magistrate Judge recommends this action be dismissed *with prejudice*. The parties had fourteen (14) days from receipt of the R&R to file their objections. No objection has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is

1 required to "make a *de novo* determination of those portions of the [report and
2 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails
3 to object, however, the court is not required to conduct "any review at all . . . of any issue
4 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
5 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
6 magistrate judge's report and recommendation where no objections have been filed. See
7 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
8 of review employed by the district court when reviewing a report and recommendation to
9 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
10 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
11 view that district courts are not required to review "any issue that is not the subject of an
12 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
13 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
14 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
15 which no objection was filed).

16 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
17 determine whether to adopt Magistrate Judge Cobb's R&R. Upon reviewing the R&R
18 and the records in this case, this Court finds good cause to adopt the Magistrate Judge's
19 Recommendation in full.

20 It is therefore ordered, adjudged and decreed that the Report and
21 Recommendation of Magistrate Judge William G. Cobb (ECF No. 22) is accepted and
22 adopted in its entirety.

23 It is further ordered that this action is dismissed with prejudice.

24 The Clerk is instructed to close this case.

25 DATED THIS 27th day of October 2016.
26



27
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE